

FINAL ORDER NO. 5763

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

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In the Matter of the Application )	
of Burlington Northern Railroad )	DOCKET NO. T-9014
Company to remove the Tri-County )	ORDER NO. 5763
Building Supply Co. Spur Track at)	
Bozeman, Montana. )	

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By application filed November 5, 1986, Burlington Northern Railroad Company, 2200 First Interstate Center, 999 Third Avenue, Seattle, Washington 98104, filed petition pursuant to 69-14-313 (2) to remove the Tri-County Building Supply Company Spur Track at Bozeman, Montana.

Applicant states that public convenience and necessity no longer require maintenance of the trackage which has only been used in the past five years by the Tri-County Building Supply Company, which received six cars in 1981 and three in 1982. All subsequent shipments have been via TOFC, with Tri-County being the only user of the track. BNRC states that the trackage is not now needed by any industry and there is no present potential for future need.

Notice of the proposed removal was given to the Montana Consumer Counsel and the public on December 1, 1986.

Final date for protests was January 1, 1975. No protests were received within such time, or at all in this matter.

CONCLUSION OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and the matters in this proceeding pursuant to Title 69, Chapter 14, MCA.

2. The Commission has provided adequate notice and opportunity to be heard to all interested parties in this matter pursuant to Section 69-14-813, MCA.

3. The Commission has determined that no public hearing is necessary and that public convenience and necessity do not require the continued maintenance of the Tri-County Building Company Spur Track at Bozeman, Montana.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 19th day of January, 1987, there being present a quorum of commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9014 and the Commission being fully advised in the premises;

IT IS ORDERED THAT Burlington Northern Railroad Company may remove the Tri-County Building Company Spur Track at Bozeman, Montana, provided that the Burlington Northern Railroad Company will assure the Commission that all revenues derived from the renting, leasing or sale of all property relating to the trackage will be entered as Burlington Northern Railroad Company revenue on all financial data through a statement to the Commission indicating the revenue account number that such revenues shall be entered into and through the filing of the rental or lease agreement or the sale contract with the Commission as soon as such agreement or contract is completed.

IT IS FURTHER ORDERED that this Order be effective immediately.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be mailed forthwith to the Petitioner and all parties of record.

DONE IN OPEN SESSION this 19th day of January, 1987, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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JOHN DRISCOLL, Commissioner

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HOWARD ELLIS, Commissioner

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TOM MONAHAN, Commissioner

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DAN OBERG, Commissioner

ATTEST:

Ann Purcell  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.